

SEC. 1703. STUDY AND REPORT OF ERRONEOUS RESPONSES SENT UNDER THE PILOT PROGRAM FOR EMPLOYMENT ELIGIBILITY CONFIRMATION.

(a) **STUDY.**—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study of the erroneous tentative nonconfirmations sent to individuals seeking confirmation of employment eligibility under the pilot program established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note).

(b) **MATTERS TO BE STUDIED.**—The study required by subsection (a) shall include an analysis of—

(1) the causes of erroneous tentative nonconfirmations sent to individuals under the pilot program referred to in subsection (a);

(2) the processes by which such erroneous tentative nonconfirmations are remedied; and

(3) the effect of such erroneous tentative nonconfirmations on individuals, employers, and agencies and departments of the United States.

(c) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Finance and the Committee on the Judiciary of the Senate and the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives a report on the results of the study required by this section.

SEC. 1704. STUDY AND REPORT OF THE EFFECTS OF THE PILOT PROGRAM FOR EMPLOYMENT ELIGIBILITY CONFIRMATION ON SMALL ENTITIES.

(a) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on the Judiciary of the Senate; and

(B) the Committee on the Judiciary of the House of Representatives.

(2) **COMPTROLLER GENERAL.**—The term “Comptroller General” means the Comptroller General of the United States.

(3) **PILOT PROGRAM.**—The term “pilot program” means the pilot program described in section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note).

(4) **SMALL ENTITY.**—The term “small entity” has the meaning given that term in section 601 of title 5, United States Code.

(b) **STUDY.**—As soon as practicable after the date of the enactment of this Act, the Comptroller General shall conduct a study of the effects of the pilot on small entities.

(c) **MATTERS TO BE STUDIED.**—

(1) **IN GENERAL.**—The study required by subsection (b) shall include an analysis of—

(A) the costs of complying with the pilot program incurred by small entities;

(B)(i) the description and estimated number of small entities enrolled in and participating in the pilot program; or

(ii) why no such estimated number is available;

(C) the projected reporting, recordkeeping, and other compliance requirements of the pilot program that apply to small entities;

(D) the factors that impact enrollment and participation of small entities in the pilot program, including access to appropriate technology, geography, and entity size and class; and

(E) the actions, if any, carried out by the Secretary of Homeland Security to minimize the economic impact of participation in the pilot program on small entities.

(2) **DIRECT AND INDIRECT EFFECTS.**—The study required by subsection (b) shall ana-

lyze, and treat separately, with respect to small entities—

(A) any direct effects of compliance with the pilot program, including effects on wages and time used and fees spent on such compliance; and

(B) any indirect effects of such compliance, including effects on cash flow, sales, and competitiveness of such compliance.

(3) **DISAGGREGATION BY ENTITY SIZE.**—The study required by subsection (b) shall analyze separately data with respect to—

(A) small entities with fewer than 50 employees; and

(B) small entities that operate in States that require small entities to participate in the pilot program.

(d) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study required by subsection (b).

SEC. 1705. RESTRICTION ON USE OF FUNDS.

None of the funds made available in this Act may be used to enter into a contract with a person or government entity that does not participate in the pilot program described in section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note).

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Madam President, I ask unanimous consent the following Finance Committee interns be allowed the privilege of the floor during the consideration of the American Recovery and Reinvestment Act: Chris Eden, Michael London, and Mai Meneissy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**ORDERS FOR TUESDAY,
FEBRUARY 10, 2009**

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Tuesday, February 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 1, the American Recovery and Reinvestment Act, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, under the previous order, votes in relation to the Collins-Nelson of Nebraska substitute amendment and passage of H.R. 1 will occur at about noon tomorrow. Additional votes are possible later in the day in relation to the executive nominations.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate

proceed to executive session to consider Calendar Nos. 11, 12, and 13; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Michele A. Flournoy, of Maryland, to be Under Secretary of Defense for Policy.

Robert F. Hale, of Virginia, to be Under Secretary of Defense (Comptroller).

Jeh Charles Johnson, of New York, to be General Counsel of the Department of Defense.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, unless someone has an objection, I would ask that the Senate stand adjourned under the previous order, following the remarks of Senator GRASSLEY. Is there anyone who has an uncontrollable urge to speak tonight?

Ms. LANDRIEU. Madam President, reserving the right to object—

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Would the majority leader allow me to speak for up to 5 minutes after Senator GRASSLEY?

Mr. REID. Yes, that would be appropriate.

Madam President, following the remarks of Senator GRASSLEY and Senator LANDRIEU, I ask unanimous consent that the Senate stand adjourned under the outlined consent that I have submitted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

THE ECONOMY

Mr. GRASSLEY. Madam President, one of the arguments we have heard in support of the proposed \$1 trillion stimulus bill is that our economy is performing below its potential. It is argued we have a gap between what we could produce and what we are producing.

There is no question our economy is producing less than it could. It is quite obvious we are in a recession. But that does not mean a massive, temporary increase in Government spending can fill the gap and thus restore our economy to its full potential. In fact, the opposite is true.

The proposed \$1 trillion increase in Government spending will impede recovery and reduce future growth. The